

## UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Gilbert Pierre-Charles

Case No. 21-mj-1052

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 20 to July 15, 2019 in the county of Montgomery in the  
Eastern District of PA and elsewhere, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. Section 1029(a)(5)

Access device fraud (effecting transactions with unauthorized card)

18 U.S.C. Section 1028A

Aggravated identity theft

This criminal complaint is based on these facts:

Between on or about March 20, 2019 and on or about July 15, 2019, in the Eastern District of Pennsylvania, defendant Gilbert Pierre-Charles committed access device fraud and aggravated identity theft, in violation of Title 18, United States Code, Sections 1029(a)(5) and 1028A.

See attached Affidavit

☒ Continued on the attached sheet.

/s Brian Clark

*Complainant's signature*

Brian Clark, Special Agent, USSS

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 06/21/2021 @ 9:54 a.m.

/s Honorable Timothy R. Rice

*Judge's signature*City and state: Philadelphia, PA

Honorable Timothy R. Rice

*Printed name and title*

**AFFIDAVIT –No. 21-mj-1052**

I, Brian Clark, being duly sworn, depose and state as follows:

**Background**

1. I am a Special Agent with the United States Secret Service since March 2018. I am currently assigned to the Philadelphia Field Office where I investigate financial crimes including violations of 18 U.S.C. §§ 1029 (Access Device Fraud) and 1028A (Aggravated Identity Theft). Additionally, I am a graduate of the Federal Law Enforcement Training Center Criminal Investigator Training Program in Glynco, Georgia, and the USSS Special Agent Basic Training Program in Beltsville, Maryland.

2. The information in this affidavit is based upon my personal knowledge and my discussions with, and review of reports of, other law enforcement officers. Because this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a complaint and arrest warrant, what follows is not all of the information that has been uncovered during this investigation.

3. This Affidavit is in support of an application for an arrest warrant for GILBERT PIERRE-CHARLES for violations of Title 18, United States Code, Sections 1029(a)(5) (fraudulently effecting transactions with access devices issued to other persons) and 1028A (aggravated identity theft) in connection with an investigation into an access device fraud and identity theft scheme operating in the Eastern District of Pennsylvania and elsewhere.

### Facts Establishing Probable Cause

4. In May 2021, I began an investigation of the compromise and use of credit card numbers by GILBERT PIERRE-CHARLES and others in Philadelphia, Pennsylvania.

5. I received information and documentation from law enforcement officers from Springfield and Plymouth Townships, Montgomery County, PA, of fraudulent purchases made by GILBERT PIERRE-CHARLES, using the name A.Z., with credit card numbers belonging to other individuals at store locations in Springfield and Plymouth Townships in May and July 2019.

#### Purchases with Fraudulent Credit Cards at Norris Sales, Conshohocken, PA

6. I learned from Plymouth Township Detective Joseph LaPenta that Norris Sales, a construction equipment sales and rental company in Conshohocken, PA, had reported that an individual using the name A.Z. had made the following fraudulent purchases at Norris Sales, totaling more than \$12,000, between July 9, 2019 and July 15, 2019, using eight different credit cards in the name of A.Z., each with an encoded credit card number that was determined to belong to another individual:

| <b>Date &amp; Time of Purchase</b> | <b>Item Purchased</b>   | <b>Amount of Purchase</b> | <b>Last 4 Digits of Credit Card Number Encoded on Card</b> |
|------------------------------------|---|---------------------------|--|
| July 9, 2019 @ 13:25               | Husqvarna K770-14 Saw Demo<br>14' Gas Power Cutter Serial<br>#20183901242 | \$969.51                  | Visa, 7409   |
| July 9, 2019 @ 13:59               | Husqvarna K770-14 Saw Demo<br>14' Gas Power Cutter Serial<br>#20183901241 | \$969.51                  | Mastercard, 3704   |
| July 10, 2019 @ 13:10              | Honda EB3000CK2 Generator<br>3000 Watt Commercial Serial<br>#EZGP-1555407 | \$1385.21                 | Mastercard, 0230   |
| July 10, 2019 @ 13:19              | Dewalt DCS391P1 Circular Saw<br>20 Volt Li-Ion Serial #DCP457M            | \$294.09                  | Mastercard, 4160   |
| July 11, 2019 @ 14:04              | DP CC1811HXL5(54541) Honda<br>Self Propelled Saw Serial<br>#159795        | \$4346.00                 | Visa, 7408   |

| <b>Date &amp; Time of Purchase</b> | <b>Item Purchased</b>   | <b>Amount of Purchase</b> | <b>Last 4 Digits of Credit Card Number Encoded on Card</b> |
|------------------------------------|---|---------------------------|--|
| July 11, 2019 @ 14:24              | Dewalt D25980K Breaker 70LB Electric Kit Serial #019596             | \$1767.02                 | Visa, 7477   |
| July 15, 2019 @ 12:13              | 20Dewalt D25980K Breaker 70LB Electric Kit Serial #019877           | \$1767.02                 | Mastercard, 7975   |
| July 15, 2019 @ 12:19              | Honda EB3000CK2 Generator 3000 Watt Commercial Serial #EZGP-1555401 | \$1385.21                 | Mastercard, 8981   |

7. I have reviewed arrest photographs for GILBERT PIERRE-CHARLES and, for each of the transactions listed in paragraph 6, I recognize GILBERT PIERRE-CHARLES on Norris Sales surveillance video as the individual conducting the transaction.

8. I have reviewed the invoices for each of the transactions listed in paragraph 6, and, from those invoices, I learned that GILBERT PIERRE-CHARLES printed and signed the name of A.Z. on the invoice for that transaction and provided an address on Ogontz Avenue, Philadelphia and a cell phone number of 267.778.8784, a Metro PCD cell phone number assigned to GILBERT PIERRE-CHARLES.

9. In reviewing surveillance video from Norris Sales from July 11, 2019, I learned that GILBERT PIERRE-CHARLES was using a van rented from U-Haul Moving & Storage, 7750 Roosevelt Boulevard, Philadelphia, PA.

10. I have reviewed a U-Haul Equipment Contract for a van matching the description of the van used by GILBERT PIERRE-CHARLES that is seen in the Norris Sales surveillance video for July 11, 2019, and learned that the van was rented by D.G. on July 11, 2019 at 1:17 p.m. and returned that same day at 4:29 pm. I have also learned that GILBERT PIERRE-CHARLES and D.G. have a child together.

11. The true cardholder of the Mastercard ending in 3704, M.D., filed a Cardholder Statement of Dispute, stating that the transaction using M.D.'s card number on July 9, 2019 was a fraudulent transaction made without M.D.'s authorization or knowledge.

12. The true cardholder of the Mastercard ending in 7975, F.S., filed a Cardholder Statement of Dispute, stating that the transaction using F.S.'s card number on July 15, 2019 was a fraudulent transaction made without F.S.'s authorization or knowledge.

13. The true cardholder of the Mastercard ending in 8981, A.B., filed a Cardholder Statement of Dispute, stating that the transaction using A.B.'s card number on July 15, 2019 was a fraudulent transaction made without A.B.'s authorization or knowledge.

14. At the time of these fraudulent transactions detailed in paragraph 6, the financial institutions that issued the credit cards used in these transactions were companies doing business in interstate commerce.

Purchases with Fraudulent Credit Cards at Rittenhouse Lumber, Springfield, PA

15. I learned from Springfield Township Detective Matthew Tauscher that Rittenhouse Lumber, a company in Springfield, PA, had reported that an individual using the name A.Z. had made the following fraudulent purchases at Rittenhouse Lumber, totaling more than \$3,800, between May 19, 2019 and May 29, 2019, using three different credit cards in the name of A.Z., each with an encoded credit card number that was determined to belong to another individual, with three of the purchases being made over the telephone and one of the purchases being made in person:

| <b>Date &amp; Time of Purchase</b> | <b>Amount of Purchase</b> | <b>Last 4 Digits of Credit Card Number Encoded on Card</b> |
|------------------------------------|---------------------------|--|
| May 20, 2019                       | \$1,290.66                | 7110   |
| May 21, 2019                       | \$1,271.61                | 7110   |
| May 22, 2019                       | \$639.54                  | 3336   |
| May 29, 2019                       | \$633.35                  | 4113   |

16. I learned that the individual using the name of A.Z. who made the credit card purchases with Rittenhouse Lumber over the telephone provided a telephone number of 267.778.8784, a Metro PCS cell phone number assigned to GILBERT PIERRE-CHARLES.

17. I learned that an employee of Rittenhouse Lumber was shown an array of photographs, including a photograph of GILBERT PIERRE-CHARLES, and identified the photograph of GILBERT PIERRE-CHARLES as probably the individual using the name of A.Z. who made the in-store purchase at Rittenhouse Lumber.

18. I learned that, for one of the orders placed by phone by the individual using the name of A.Z., that individual requested that the order be delivered to an address on Ogontz Avenue in Philadelphia, PA

19. I learned that all four of the transaction made by the individual using the name of A.Z. were fraudulent transactions made with credit card numbers belonging to other individuals.

20. At the time of these fraudulent transactions detailed in paragraph 15, the financial institutions that issued the credit cards used in these transactions were companies doing business in interstate commerce.

21. I have reviewed CLEAR records that list a birth date in 1991, and a last known address on Ogontz Avenue, Philadelphia, PA, for A.Z. The address on Ogontz Avenue listed for A.Z. is the same address that the individual using the name of A.Z. requested that materials be delivered for one of the purchases at Rittenhouse Lumber.

**Conclusion**

22. Based on the above facts, there is probable cause to believe that GILBERT PIERRE-CHARLES committed access device fraud by effecting transactions with one or more access devices issued to other persons, to receive payment or any other thing of value, totaling \$1,000 or more in a one year period of time, in violation of 18 U.S.C. § 1029(a)(5); and committed aggravated identity theft in violation of 18 U.S.C. §§ 1028A.

/s Brian Clark  
Brian Clark  
Special Agent  
United States Secret Service

Sworn and Subscribed before me  
this 21st of June, 2021

/s Honorable Timothy R. Rice  
HONORABLE TIMOTHY R. RICE  
United States Magistrate Judge